

certify that I was selected as the NO<sub>x</sub> authorized account representative or alternate NO<sub>x</sub> authorized account representative, as applicable, by an agreement binding on the owners and operators of the NO<sub>x</sub> Budget source and each NO<sub>x</sub> Budget unit at the source. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO<sub>x</sub> Budget Trading Program on behalf of the owners and operators of the NO<sub>x</sub> Budget source and of each NO<sub>x</sub> Budget unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the permitting authority, the Administrator, or a court regarding the source or unit.”

(5) The signature of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative and the dates signed.

(b) Unless otherwise required by the permitting authority or the Administrator, documents of agreement referred to in the account certificate of representation shall not be submitted to the permitting authority or the Administrator. Neither the permitting authority nor the Administrator shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

**§ 97.14 Objections concerning NO<sub>x</sub> authorized account representative.**

(a) Once a complete account certificate of representation under § 97.13 has been submitted and received, the permitting authority and the Administrator will rely on the account certificate of representation unless and until a superseding complete account certificate of representation under § 97.13 is received by the Administrator.

(b) Except as provided in § 97.12 (a) or (b), no objection or other communication submitted to the permitting authority or the Administrator concerning the authorization, or any representation, action, inaction, or submission of the NO<sub>x</sub> authorized account representative shall affect any representation, action, inaction, or submission of the NO<sub>x</sub> authorized account representative or the finality of any decision or order by the permitting au-

thority or the Administrator under the NO<sub>x</sub> Budget Trading Program.

(c) Neither the permitting authority nor the Administrator will adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of any NO<sub>x</sub> authorized account representative, including private legal disputes concerning the proceeds of NO<sub>x</sub> allowance transfers.

**Subpart C—Permits**

**§ 97.20 General NO<sub>x</sub> Budget Trading Program permit requirements.**

(a) For each NO<sub>x</sub> Budget source required to have a federally enforceable permit, such permit shall include a NO<sub>x</sub> Budget permit administered by the permitting authority for the federally enforceable permit.

(1) For NO<sub>x</sub> Budget sources required to have a title V operating permit, the NO<sub>x</sub> Budget portion of the title V permit shall be administered in accordance with the permitting authority’s title V operating permits regulations promulgated under part 70 or 71 of this chapter, except as provided otherwise by this subpart or subpart I of this part.

(2) For NO<sub>x</sub> Budget sources required to have a non-title V permit, the NO<sub>x</sub> Budget portion of the non-title V permit shall be administered in accordance with the permitting authority’s regulations promulgated to administer non-title V permits, except as provided otherwise by this subpart or subpart I of this part.

(b) Each NO<sub>x</sub> Budget permit shall contain all applicable NO<sub>x</sub> Budget Trading Program requirements and shall be a complete and segregable portion of the permit under paragraph (a) of this section.

**§ 97.21 Submission of NO<sub>x</sub> Budget permit applications.**

(a) *Duty to apply.* The NO<sub>x</sub> authorized account representative of any NO<sub>x</sub> Budget source required to have a federally enforceable permit shall submit to the permitting authority a complete NO<sub>x</sub> Budget permit application under § 97.22 by the applicable deadline in paragraph (b) of this section.

(b)(1) For NO<sub>x</sub> Budget sources required to have a title V operating permit:

(i) For any source, with one or more NO<sub>x</sub> Budget units under § 97.4(a) that commence operation before January 1, 2001, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> Budget permit application under § 97.22 covering such NO<sub>x</sub> Budget units to the permitting authority at least 18 months (or such lesser time provided by the permitting authority) before May 31, 2004.

(ii) For any source, with any NO<sub>x</sub> Budget unit under § 97.4(a) that commences operation on or after January 1, 2001, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> Budget permit application under § 97.22 covering such NO<sub>x</sub> Budget unit to the permitting authority at least 18 months (or such lesser time provided by the permitting authority) before the later of May 31, 2004 or the date on which the NO<sub>x</sub> Budget unit commences operation.

(2) For NO<sub>x</sub> Budget sources required to have a non-title V permit:

(i) For any source, with one or more NO<sub>x</sub> Budget units under § 97.4(a) that commence operation before January 1, 2001, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> Budget permit application under § 97.22 covering such NO<sub>x</sub> Budget units to the permitting authority at least 18 months (or such lesser time provided by the permitting authority) before May 31, 2004.

(ii) For any source, with any NO<sub>x</sub> Budget unit under § 97.4(a) that commences operation on or after January 1, 2001, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> Budget permit application under § 97.22 covering such NO<sub>x</sub> Budget unit to the permitting authority at least 18 months (or such lesser time provided by the permitting authority) before the later of May 31, 2004 or the date on which the NO<sub>x</sub> Budget unit commences operation.

(c) *Duty to reapply.* (1) For a NO<sub>x</sub> Budget source required to have a title V operating permit, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> Budget permit application under § 97.22 for the NO<sub>x</sub>

Budget source covering the NO<sub>x</sub> Budget units at the source in accordance with the permitting authority's title V operating permits regulations addressing operating permit renewal.

(2) For a NO<sub>x</sub> Budget source required to have a non-title V permit, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> Budget permit application under § 97.22 for the NO<sub>x</sub> Budget source covering the NO<sub>x</sub> Budget units at the source in accordance with the permitting authority's non-title V permits regulations addressing permit renewal.

[65 FR 2727, Jan. 18, 2000, as amended at 67 FR 21529, Apr. 30, 2002]

#### **§ 97.22 Information requirements for NO<sub>x</sub> Budget permit applications.**

A complete NO<sub>x</sub> Budget permit application shall include the following elements concerning the NO<sub>x</sub> Budget source for which the application is submitted, in a format prescribed by the permitting authority:

(a) Identification of the NO<sub>x</sub> Budget source, including plant name and the ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration, if applicable;

(b) Identification of each NO<sub>x</sub> Budget unit at the NO<sub>x</sub> Budget source and whether it is a NO<sub>x</sub> Budget unit under § 97.4(a) or under subpart I of this part;

(c) The standard requirements under § 97.6; and

(d) For each NO<sub>x</sub> Budget opt-in unit at the NO<sub>x</sub> Budget source, the following certification statements by the NO<sub>x</sub> authorized account representative:

(1) "I certify that each unit for which this permit application is submitted under subpart I of this part is not a NO<sub>x</sub> Budget unit under 40 CFR 97.4(a) and is not covered by an exemption under 40 CFR 97.4(b) or 97.5 that is in effect."

(2) If the application is for an initial NO<sub>x</sub> Budget opt-in permit, "I certify that each unit for which this permit application is submitted under subpart I of 40 CFR part 97 is operating, as that term is defined under 40 CFR 97.2."